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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193

7590 03/02/2005	EXAMINER

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ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/815,726	Applicant(s) KROEKER ET AL.
	Examiner Mohammad A Siddiqi	Art Unit 2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 October 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.
    4a) Of the above claim(s) <u>5,6 and 11-18</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-10,19</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 are presented for examination. Claims 5,6, and 11-18

have been cancelled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final ·

rejection. Since this application is eligible for continued examination under

37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid,

the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 10/22/2004 has been entered.

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially
created doctrine grounded in public policy (a policy reflected in the statute)
so as to prevent the unjustified or improper timewise extension of the "right
to exclude" granted by a patent and to prevent possible harassment by
multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010
(Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985);
In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*,
422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418
F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 1-4, 7-10, and 19 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-10 of copending Application No. 10097760. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

In referring claim 1 of this application and claim 1 of copending Application No. 10097760 does not state "set of semantic data is represented as a semantic tree instance that is represented by at least one object". Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by claim 1 of this application. The motivation would have been building web-based speech recognition application.

Furthermore, there is no apparent reason why applicant would be

prevented from presenting claims corresponding to those of the instant

application in the other copending application. See *In re Schneller*, 397

F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 1, 2, 4-9, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brown et al. (6,587,822) (hereinafter Brown) in view of

Au et al. (6,778,970) (hereinafter Au).

3.   As per claim 1, Brown discloses a speech application system (Figure 2,

element 122, col 4, lines 31-41), comprising:

A. a speech recognition (SR) system (Figure 2, element 122, col 4,

lines 31-41) configured to receive an audio input (figure 1, element 108, col

3, lines 10-15) and generate a set of semantic data (col 13, lines 30-36)

representing a plurality of valid interpretations of said audio input

(130,112,120,122,124, fig 2, col 13, lines 19-35);

B. a speech application script (col 2, lines 9-21 and col 13, lines 19-

25), loaded at the SR system and configured to task said SR system script

(col 2, lines 9-21 and col 13, lines 19-25), said application script defining a

context (col 2, lines 9-21 and col 13, lines 19-25);

C. a semantic data evaluator (col 13, lines 19-35), configured to

receive said set of semantic data and said context and (col 13, lines 19-35),

as a function thereof, to generate a linguistic result corresponding to said

audio input (see abstract, col 11, lines 60 -66), and to return said linguistic

result to said application script (col 13, lines 19-35); and

D. a set of reusable object oriented interfaces (102, figure 2) local to

the SR system (Figure 2, element 122, col 4, lines 31-41), said interfaces

configured to interface (102, fig 2) said application script (col 2, lines 14-19)

with said SR system (102, Figure 2, element 122, col 4, lines 31-41).

Brown does not expressly disclose set of semantic data is represented as a

semantic tree instance that is represented by at least one object. However,

semantic data is represented as a semantic tree instance that is represented

by at least one object are well known in the speech recognition art and trees

are created by the parsers and grammar generators. For example, Au,

teaches set of semantic data is represented as a semantic tree instance that

is represented by at least one object (fig 61-71,see abstract, col 60, lines 22-35, col 6, lines 29-31, col 59, lines 51-55, and col 18, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Brown and Au. The motivation would have been to deal with the ambiguity and noise inherent images by mapping them feature-by-feature to semantic trees, choosing the tree with greatest overall semantic efficiency in a conversational applications (col 6, lines 55-59).

4.   As per claim 2, Brown discloses one or more of said application script is included in a Web page (col 14, lines 13-21).

5.   As per claim 4, Brown discloses an application script includes programming code written in a language chosen from a group of scripting languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14, lines 1-14, it is inherent, Javascript, Jscript, PerlScript, and Vbscript scripting languages embedded in web page development).

6.   As per claim 7, Brown discloses audio the input is received from a device chosen from a group comprising (figure 1, element 108, col 2, lines 61-67):

    A. a telephone (figure 1, element 106-1, col 2, lines 61-67);

B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67);

C. a personal computer (figure 1, element 106, col 2, lines 61-67);

D. an application server (figure 1, element 106-N, col 2, lines 61-67);

and

E. an audio receiver (figure 2, element 108, col 2, lines 61-67).

7.   As per claim 8, Brown discloses an audio input is received via a

network comprised of one or more wire or wireless networks from a group

(figure 1, element 108, col 2, lines 61-67) comprising:

A. a telephone network (figure 1, element 106-1, col 2, lines 61-67,

col 3, lines 1-21);

B. a cellular telephone network (figure 1, element 106-1, col 2, lines

61-67, col 3, lines 1-21);

C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3,

lines 1-21);

D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3,

lines 1-21);

E. a virtual private network (figure 1, element 106-1, col 2, lines 61-

67, col 3, lines 1-21);

F. the Internet network (figure 1, element 106-1, col 2, lines 61-67);

and

G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

8.   As per claim 9, Brown discloses valid interpretations of said audio

input includes all valid interpretations of said audio input within said context

(col 13, lines 18-36).

9.   As per claim 19, the claim is rejected for the same reasons as claim 1,

above.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

11.   Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brown et al. (6,587,822) (hereinafter Brown) in view of

Au et al. (6,778,970) (hereinafter Au) as applied to claims 1,2, and 4-9

above, and further in view of Mikurak et al. (6,606,744) (hereinafter

Mikurak).

12.   As per claims 3, Brown and Au both fails to teach interfaces are object

exposed via ActiveX facilities. However, Mikurak discloses teach interfaces

are object exposed via ActiveX facilities (col 15, lines 21-40). Therefore, it

would have been obvious to one to of ordinary skill in the art at the time of

the invention to use ActiveX component in web pages because ActiveX

components create and manage interactive multimedia at the Web site on

Microsoft platform and can be easily integrated with SQL Server or other

Microsoft products).

13.   As per claims 10, Brown and Au both fails to teach consumer survey

applications; Web access applications; educational applications, including

health education applications and computer-based lesson applications and

testing applications; screening applications, including patient screening

applications and consumer screening applications; health risk assessment

applications; monitoring applications, including heath data monitoring

applications and consumer preference monitoring applications; compliance

applications, including applications that generate notifications of compliance

related activities, including notifications regarding health or product

maintenance; test results applications, including applications that provide at

least one of lab test results, standardized tests results, consumer product

test results, and maintenance results; and linking applications, including

applications that link two or more of the applications in parts A through.

However, Mikurak discloses the applications is chosen from a group of

applications:

A. consumer survey applications (col 131, lines 5-15);

B. Web access applications (col 38, lines 7 -38);

C. educational applications, including health education applications and

computer-based lesson applications and testing applications (col 38, lines 7

-38);

D. screening applications, including patient screening applications and

consumer screening applications (col 150, lines 20-49);

E. health risk assessment applications (col 150, lines 20-49);

F. monitoring applications, including heath data monitoring applications and

consumer preference monitoring applications (col 150, lines 20-49);

G. compliance applications, including applications that generate notifications

of compliance related activities, including notifications regarding health or

product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of

lab test results, standardized tests results, consumer product test results,

and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the

applications in parts A through H (col 38, lines 7 -38).

Therefore, it would have been obvious to one to of ordinary skill in the art at the time of the invention to build a system where users can get information via multiple channels such as IVR, electronic mail, and FAQ (Frequently Asked Questions) published on website.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,604,075 teaches Web-Based voice dialog interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

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available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

MAS

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